

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HAROLD BAER
U.S. DISTRICT JUDGE
S. D. N.Y.

AMEREX GROUP, INC. and
AMEREX USA INC,

Plaintiffs,

- against -

LEXINGTON INSURANCE COMPANY AND
WESTCHESTER SURPLUS LINES
INSURANCE COMPANY,

Defendants.

CASE NUMBER:
07 CV 3259 (HB)

ORDER

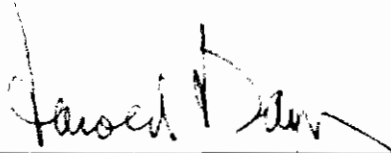
HAROLD BAER, JR. U.S.D.J.

Pending before the Court are (i) the motion of Defendants LEXINGTON INSURANCE COMPANY AND WESTCHESTER SURPLUS LINES INSURANCE COMPANY ("Defendants") for Partial Summary Judgment compelling enforcement of the appraisal clauses of the insurance policies at issue; (ii) the cross-motion of the Plaintiffs AMEREX GROUP, INC. and AMEREX USA INC, ("Plaintiffs") seeking Partial Summary Judgment dismissing Defendants Second Affirmative Defense which demand appraisal of the insurance. The motion of the Defendants is hereby granted as to enforcement of the appraisal clauses of the insurance policies at issue, and the cross-motion of the Plaintiffs' is denied.

The parties are required to report back to the Court regarding the selection of appraisers, an umpire and an agreement to appraise by September 17, 2007.

The subject lawsuit is hereby stayed pending the appraisal process, except for the purposes of facilitating the appraisal proceeding.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Harold Baer", is written over a horizontal line.

HON. HAROLD BAER, U.S.D.J.

Dated: New York, New York
September 19, 2007